EdSpace

DUTY OF CARE

POLICY

**Rationale:**

* In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable.

**Aims:**

* To ensure that staff have an understanding of their duty of care to students, and behave in a manner that does not compromise these legal obligations.

**Standard of care Required by Schools**

* Ensuring the school complies with the seven Child Safe Standards including completion of Duty of care modules as recommended by Victorian Institute of Teaching
* Provision of an adequate system of supervision throughout the whole school day.
* Implementation strategies to prevent bullying
* Ensuring that medical attention is provided to sick or injured children
* Managing employee recruitment, conduct and performance.
* In addition to their professional obligations, principals and teachers have a legal duty to take reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable.
* Although the general duty is to take reasonable steps to protect students from reasonably foreseeable risks of injury, specific (but not exhaustive) requirements of the duty involve providing adequate supervision in the school or on school activities as well as providing safe and suitable buildings, grounds and equipment.
* A teacher’s duty of care is not confined to the geographic area of the school, or to school activities, or to activities occurring outside the school where a student is acting on a teacher’s instructions. The duty also applies to situations both before and after school where a teacher can be deemed to have ‘assumed’ the teacher pupil relationship.
* **The duty of care continues to apply when students are involved in the delivery of Vocational Education and Training activities. A duty of care of EdSpace means that the school will ensure that partner organisations have adequate duty of care policies to ensure safety of EdSpace students and that planned activities transfer seamlessly from one organisation to the other and there is appropriate handover of information concerning the student.**
* The teacher’s duty of care is greater than that of the ordinary citizen in that a teacher is obliged to protect a student from reasonably foreseeable harm or to assist an injured student, while the ordinary citizen does not have a legal obligation to respond.
* Whilst each case regarding a teacher’s legal duty of care will be judged on the circumstances that occurred at the time, the following common examples may be times when a teacher has failed to meet their legal duty of care responsibilities to their students:-
* arriving late to scheduled timetabled yard duty responsibilities
* failing to act appropriately to protect a student who claims to be bullied
* believing that a child is being abused but failing to report the matter appropriately
* leaving students unattended in the classroom or school grounds
* failing to instruct a student who is not wearing a hat to play in the shade
* ignoring dangerous play
* leaving the school during time release without approval from Principal or delegate.
* inadequate supervision on a school excursion
* Staff members are also cautioned against giving advice on matters that they are not professionally competent to give (negligent advice). Advice is to be limited to areas within a teacher’s own professional competence and given in situations arising from a role (such as careers teacher, year level coordinator or subject teacher) specified for them by the principal.
* Teachers must ensure that the advice they give is correct and, where appropriate, in line with the most recent available statements from institutions or employers. Teachers should not give advice in areas outside those related to their role where they may lack expertise.

**Evaluation:**

This policy will be reviewed as part of the school’s 12 month review cycle.

This policy was ratified by School Council in....